



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

58

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,000	05/14/2001	Kilian schuster	15632 US	1245

50659 7590 05/19/2005

BUTZEL LONG
DOCKETING DEPARTMENT
100 BLOOMFIELD HILLS PARKWAY
SUITE 200
BLOOMFIELD HILLS, MI 48304

EXAMINER

HA, LEYNNA A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,000

Applicant(s)

SCHUSTER ET AL

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are ~~withdrawn from consideration~~ cancelled.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2135

DETAILED ACTION

1. Applicant have cancelled the originally file claims 1-10.

Applicant has added new claims 11-20.

2. Claims 11, 14-16, and 18-19 have been rejected under 35

U.S.C. 102(b).

Claims 12-12, 17, and 20 have been rejected under 35

U.S.C. 103(a).

This is a Final rejection necessitated by new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made
in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 11, 14-16, and 18-19 rejected under 35 U.S.C. 102(b) as being anticipated by McNab, et al. (US 4,937,855).**

Art Unit: 2135

As per claim 11:

Method of initiating a procedure within a building comprising the steps of:

- a. defining at least one initiating event for said procedure; **[col.3, lines 23-31]**
- b. defining at least one requirement for at least one procedure; **[col.9, lines 30-60]**
- c. defining at least one person to be authorized to perform said procedure; **[col.8, lines 65-66]**
- d. detecting said initiating event; **[col.9, lines 30-60]**
- e. generating a virtual key based on said requirement for said person; **[col.8, lines 33-34]**
- f. transmitted said virtual key to said person; **[col.8, lines 43-47]**
- g. detecting an entered virtual key; **[col.8, lines 32-34]**
- h. checking the validity of said entered virtual key; and **[col.10, lines 28-44]**
- i. initiating said procedure within the building if said validity check is positive. **[col.8, lines 36-40]**

As per claim 14: See col.3, lines 23-31; discusses defining different procedures for different initiating events.

As per claim 15: See col.9, lines 30-60; discusses defining different requirements for different procedures.

Art Unit: 2135

As per claim 16: See col.9, lines 30-60; discusses transmitting different virtual keys to said person for different initiating events.

As per claim 17: See col.8, lines 32-34; discusses storing said virtual key partially or completely.

As per claim 19:

method according to Claim 11, further comprising at least one of the steps of:

initiating a control procedure of an elevator in said building; [**col.9, lines 22-26**]

initiating a medical assistance procedure; [**col.3, lines 25-29**]

initiating a building cleaning procedure; and initiating a guest reception procedure. [**col.9, lines 30-40**]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-13, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNab, et al.

Art Unit: 2135

As per claim 12:

McNab teaches authorized persons having access to the building according to a virtual key in the form of a code or a password. McNab did not fully disclose assigning an encrypted code to said virtual key. However, it is obvious of ordinary skills in the art for the virtual key to be encrypted is an added security feature that further prevents any unauthorized persons from obtaining access any easier.

As per claim 13:

McNab teaches authorized persons having access to the building according to a virtual key in the form of a code or a password. McNab did not include adding a signature to said virtual key and identifying a recipient of said transmitted virtual key by means of said signature. However, it would have been obvious for a person of ordinary skills in the art to include a signature to the virtual key is an added authentication feature and helps unidentified persons from gaining access to the building.

As per claim 17:

McNab teaches authorized persons having access to the building according to a virtual key in the form of a code or a password. McNab did not include identifying said person with biometric characteristics. However, it would have been obvious for a person of ordinary skills in the art to include biometric characteristics is a known added authentication feature because biometric characteristics is the actual authorized

Art Unit: 2135

person's feature that is more complex to duplicate or hack for any unidentified persons to gain access to the building.

As per claim 20:

McNab teaches authorized persons having access to the building remotely according to a virtual key in the form of a code or a password but did not include transmitting said virtual key using wireless devices. However, it would have been obvious for a person of ordinary skills in the art to include wireless devices would be the conveniences of accessibility.

Conclusion

5. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

Art Unit: 2135

period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa

Handwritten signature
AU 2135

